



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Forty-fourth Meeting Day

Tuesday Afternoon

April 10, 2001

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Larry Hanson, County Line Brethren Church, Lakeville, the guest of Representative Richard W. Mangus.

The Pledge of Allegiance to the Flag was led by Representative Mangus.

The Speaker ordered the roll of the House to be called:

| | |
|-----------|-------------|
| T. Adams | Hoffman |
| Aguilera | Kersey |
| Alderman | Klinker |
| Atterholt | Kromkowski |
| Avery | Kruse |
| Ayres | Kruzan |
| Bardon | Kuzman |
| Bauer | Lawson |
| Becker | Leuck |
| Behning | Liggett |
| Bischoff | J. Lutz |
| Bodiker | Lytle |
| Bosma | Mahern |
| Bottorff | Mangus |
| C. Brown | Mannweiler |
| T. Brown | McClain |
| Buck | Mellinger |
| Budak | Mock |
| Buell | Moses |
| Burton | Munson • |
| Cheney | Murphy |
| Cherry | Oxley |
| Cochran | Pelath |
| Cook | Pond • |
| Crawford | Porter |
| Crooks | Richardson |
| Crosby | Ripley |
| Day | Robertson |
| Denbo | Ruppel |
| Dickinson | Saunders |
| Dillon | Scholer |
| Dobis | M. Smith |
| Dumézich | V. Smith |
| Duncan | Steele |
| Dvorak | Stevenson |
| Espich | Stilwell |
| Foley | Sturtz |
| Frenz | Summers |
| Friend | Thompson |
| Frizzell | Tincher |
| Fry | Torr |
| GiaQuinta | Turner |
| Goeglein | Ulmer |
| Goodin | Weinzapfel |
| Grubb • | Welch |
| Harris | Whetstone |
| Hasler | Wolkins |
| Herndon | D. Young |
| Herrell | Yount • |
| Hinkle | Mr. Speaker |

Roll Call 477: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1199 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1219, 1341, 1480, 1553, 1600, 1821, 1866, and 2147 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 9, 17, and 93 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 83, 126, 260, 280, 300, 441, 475, and 543 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1047, 1084, 1116, 1396, 1484, 1502, 1503, 1532, 1767, 1812, and 1864 and Senate Enrolled Acts 83, 126, 260, 280, 300, and 441 on April 10.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Crosby.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 97

Representatives Stevenson, Aguilera, and Dumézich introduced House Concurrent Resolution 97:

A CONCURRENT RESOLUTION honoring the Lake Central High School, St. John, Indiana, Centralettes on winning the 2001 National Dance Championship.

Whereas, The members of the Lake Central High School Centralette varsity dance team, from St. John, Indiana, are the 2001 National Dance Champions;

Whereas, The Centralettes took top honors in the jazz division and placed fourth in the team performance competition at the National Dance Championship held in San Diego, California;

Whereas, The Centralettes have competed in the national championship four times, winning first place in 1998 and were runners-up in 1999 and 2000;

Whereas, One of the Centralettes' keys to success is a tremendous amount of hard work, including nearly three hours of arduous

dance practice daily;

Whereas, Dance director Kevin Mathis gives additional credit for the team's success to a dedicated group of parents, students, and choreographers;

Whereas, In addition to their victories at the national championships, the Centralettes have seven consecutive state dance championships to their credit; and

Whereas, Excellence such as this deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana general assembly wishes to congratulate the members of the Lake Central High School Centralettes on their victory at the National Dance Championships held in San Diego, California, and their seven state dance championships, and to wish them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to dance team members Stephanie Bacon, Kristy Baranowski, Kaitlin Demichael, Allison Dunbar, Lexi Hall, Jenny Jlvendowski, Lauren Lutko, Allison Miserly, Megan Morris, Amy Transisli, Kristy Truba, Kristen Vavra, Mary Wells, Ally Wright, Sara Aguilera, Carrie Alb, Cristina Chackonas, Sara Charitan, Deanne Fundri, Jackie Grantham, Pam Guzik, Kristen Jacobsen, Diana Kakidas, Lindsay Lotshaw, Emily Monseuto, Marie Mutinovic, Ericka Mazer, Robyn Nowacki, Stephanie Salma, Stephanie Serdar, Courtney Shaunssey, Katie Solina, Jodi Studinarz, Megan Towe, Rachel Backstroh, Rachel Barenie, April Botterman, Jillian Lessard, Annie Perka, Nicole Warren, Kelly Bridegroom, Brianne Clark, Bridgette Lapassa, and Randi Michael, coach Dana Baker, dance director Kevin Mathis, principal Sandie Platt, and superintendent Janet Emerick.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Landske, Antich, and Mrvan.

House Concurrent Resolution 98

Representative T. Adams introduced House Concurrent Resolution 98:

A CONCURRENT RESOLUTION urging the Indiana utility regulatory commission to establish a committee to recommend minimum standardized skill and training standards for employees who operate or maintain electric utilities in Indiana and urging the commission to adopt rules based on the recommendations of the committee.

Whereas, Apprenticeship programs established for other segments of the electric utility workforce have provided Indiana with highly skilled labor, quality workmanship, and improved worker safety;

Whereas, The establishment of minimum standardized skill and training standards for employees who operate or maintain electric utilities may improve the quality, effectiveness, and continued viability of Indiana's workforce;

Whereas, The establishment of minimum standardized skill and training standards for employees who operate or maintain electric utilities may increase worker productivity;

Whereas, The establishment of minimum standardized skill and training standards for employees who operate or maintain electric utilities may improve the reliability of Indiana's electric system: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana utility regulatory commission is urged to establish a committee to recommend minimum standardized skill and training standards for employees who operate or maintain electric utilities in Indiana.

SECTION 2. That the minimum standardized skill and training standards recommended by the committee, if established, must specify training standards and qualifications for utility employees who operate, maintain, service, and repair any or all parts of electric generation and transmission facilities, materials, or equipment in Indiana.

SECTION 3. That the committee, if established, must consist of the following eleven (11) members:

(1) The utility consumer counselor, who shall serve as the chair of the committee and an ex officio, nonvoting member of the committee. However, the consumer counselor may make a final determination concerning any proposed standards or qualifications not agreed to by a simple majority of the voting members of the committee.

(2) Five (5) members appointed by the commission, with one (1) member representing management from each of the following:

(A) A public utility (as defined in IC 8-1-2-1) that produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public.

(B) A rural electric membership corporation (as defined in IC 8-1-13).

(C) A municipally owned utility (as defined in IC 8-1-2-1) that produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public.

(D) A public utility that:

(i) produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public; and

(ii) has withdrawn from the commission's jurisdiction under any provision of Indiana law, or over which the commission has declined to exercise jurisdiction under any provision of Indiana law.

(E) A non utility owned electric generation and transmission company.

(3) Five (5) members appointed by the commission, with one (1) member who is a non management person representing the non management employees from each of the following:

(A) A public utility (as defined in IC 8-1-2-1) that produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public.

(B) A rural electric membership corporation (as defined in IC 8-1-13).

(C) A municipally owned utility (as defined in IC 8-1-2-1) that produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public.

(D) A public utility that:

(i) produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public; and

(ii) has withdrawn from the commission's jurisdiction under any provision of Indiana law, or over which the commission has declined to exercise jurisdiction under any provision of Indiana law.

(E) A non utility owned electric generation and transmission company.

SECTION 4. That the commission is urged to establish the committee not later than September 1, 2001.

SECTION 5. That the committee, if established, shall issue its recommendations to the commission not later than January 1, 2003.

SECTION 6. That the commission, upon receiving the recommendations of the committee, is urged to adopt rules under IC 4-22-2 based on the committee's recommendations.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Craycraft.

House Concurrent Resolution 99

Representatives Denbo, Crosby, and Grubb introduced House Concurrent Resolution 99:

A CONCURRENT RESOLUTION honoring Richard Feldman, M.D. for his service to the State of Indiana

Whereas, Richard Feldman, M.D. committed four years of service to the State of Indiana Department of Health;

Whereas, Richard Feldman, M.D. focused much of his time on tobacco control and prevention initiatives, developing the first tobacco program and working on the tobacco settlement legislation. Through Dr. Feldman's work, one-hundred percent of the settlement monies were devoted to health care initiatives;

Whereas, Women's Health was also one of Richard Feldman, M.D.'s priorities. During his tenure at the Department of Health, he promoted the creation of the Office of Women's Health.

Whereas, Richard Feldman, M.D. promoted effective primary care for all of Indiana's citizens. From his work on the Children's Health Insurance Program to the Community Health Center System, Dr. Feldman made a real difference in the health care options available to Hoosiers;

Whereas, Richard Feldman, M.D. was a trusted, valuable resource to the members of the Indiana General Assembly on health issues: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That Richard Feldman, M.D. be recognized for his contributions to the health of the citizens of the State of Indiana.

SECTION 2. That the Principal Clerk of the House transmit a copy of this resolution to Richard Feldman, M.D.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

House Resolution 81

Representatives Bardon, Summers, Hinkle, and Atterholt introduced House Resolution 81:

A HOUSE RESOLUTION recognizing Pike High School upon winning the 2001 Class 4A Basketball State Championship and team member Chris Thomas, Indiana's "Mr. Basketball".

Whereas, The Pike High School Basketball Team won the 2001 Class 4A State Championship, prevailing over Penn High School 56-42;

Whereas, Through dedication and team work, the Pike High School Basketball Team won the Class 4A Championship for the second time since 1998;

Whereas, Team member Chris Thomas was nominated as the Player of the Year for 2000-2001 Super Team by the Indianapolis Star. Mr. Thomas was also named Mr. Basketball, and is eleventh on Indiana's All-Time Scoring List. Mr. Thomas received the Arthur L. Trester Award for Mental Attitude and is the four-year All Conference Indiana Selection. As well, Mr. Thomas ranks in the top fifteen percent of the senior class and is a member of the National Honor Society. Mr. Thomas plans to play for the University of Notre Dame next year: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That Pike High School, its students, teachers, administrators and athletic department, be recognized upon the occasion of the Pike High School Basketball Team winning the Class 4A State Championship.

SECTION 2. That the Basketball Team be applauded for the hard work, dedication and team spirit it took to win the Class 4A State Championship.

SECTION 3. That Chris Thomas, Indiana's Mr. Basketball, be recognized for his endeavors, both athletic and academic.

SECTION 4. That a copy of this resolution be transmitted to Pike High School and to Chris Thomas.

The resolution was read a first time and adopted by voice vote.

House Resolution 82

Representatives Herrell, Liggett, and Friend introduced House Resolution 82:

A RESOLUTION expressing support for Governor Frank O'Bannon's proclamation proclaiming April 28 as Workers Memorial Day.

Whereas, Every year more than 10,000 American workers are killed on the job;

Whereas, Tens of thousands more workers are permanently disabled and millions are injured;

Whereas, Another 100,000 workers die from cancer, lung disease, and other diseases related to toxic chemical exposure at work;

Whereas, Concerned Americans are determined to prevent these tragedies by organizing Workers Memorial Day on April 28, 2001, a day chosen by the unions of the AFL-CIO as a day to remember these victims of workplace injuries and disease;

Whereas, Workers Memorial Day is dedicated to improving the safety and health of every American workplace by renewing efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation for workplace injuries; and

Whereas, It is fitting that the Indiana House of Representatives join with the governor of Indiana in expressing support for Workers Memorial Day: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to express its support of Governor Frank O'Bannon's proclamation proclaiming April 28 as Workers Memorial Day.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the governor.

The resolution was read a first time and adopted by voice vote.

House Resolution 83

Representative Denbo introduced House Resolution 83:

A RESOLUTION congratulating the members of the Pride of Paoli Marching Band, Paoli High School, Paoli, Indiana.

Whereas, The talent and efforts of the student members of this program, along with the hard work, inspiration, and organization of the adult staff and volunteers, has produced a record-setting achievement for Indiana high school marching bands with 19 consecutive appearances in the state championship finals, 12 state championships, and five consecutive state championships, the most recent being the 2000 state championship;

Whereas, The senior members of the Paoli Marching Band contributed superior leadership, dedication, and patience and have, by their example, shown the way for the other members of this outstanding program to perform like champions;

Whereas, The discipline, efforts, and developed talents achieved by the members of this program will remain valuable enhancements to the quality of their lives;

Whereas, Band director William C. McLaughlin and assistant band director Anita Gayle Laughlin have worked long and hard to help these young musicians achieve the level of excellence they have experienced over the past 13 years; and

Whereas, The remarkable achievements of the Pride of Paoli Marching Band were enabled by the inspired leadership of the band directors Bill and Gayle Laughlin and other staff, the organizational backing of the entire administration of the Paoli Community Schools, and the generous volunteer support provided by the parents, other relatives, and friends of these championship students: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the program of the Pride of Paoli Marching Band on its unprecedented 12th state championship.

SECTION 2. That the Indiana House of Representatives congratulates the members of the Pride of Paoli Marching Band for their talent, hard work, and success, and wishes that they use this championship experience to enrich the rest of their lives and the lives of their families and community.

SECTION 3. That the Indiana House of Representatives honors the directors, staff, parents, and all the community volunteers who have contributed to the success of the Pride of Paoli Marching Band program.

SECTION 4. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Pride of Paoli Marching Band.

The resolution was read a first time and adopted by voice vote.

House Resolution 84

Representative Hasler introduced House Resolution 84:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the advantages of establishing a sales tax credit on the purchase of back-to-school needs.

Whereas, A sales tax holiday during the back-to-school period has been adopted by eight other states; and

Whereas, A sales tax holiday in Indiana during August would afford single parents and low income families an opportunity to stretch limited budgets for clothing and school supplies: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the advantages of establishing a sales tax credit on the purchase of back-to-school needs.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote.

House Resolution 85

Representative Lytle introduced House Resolution 85:

A RESOLUTION urging the establishment of an interim study committee to study the feasibility of establishing the Indiana Forestry Advisory Council.

Whereas, Our trees and forests are essential to our health and welfare;

Whereas, A properly designed, high quality planting and maintenance program for our forests will benefit our communities by providing cooler summer air, warmer homes in winter, and cleaner air and water; and

Whereas, The council, if established, would assess the state's forestry resources, project current and future demands for timber products, and consider economic development: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study the feasibility of establishing the Indiana Forestry Advisory Council.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote.

House Resolution 86

Representative L. Lawson introduced House Resolution 86:

A RESOLUTION honoring Elizabeth Robinson and Betty Blankenship.

Whereas, The professional careers of Elizabeth Robinson and Betty Blankenship have furthered the cause of equality for women;

Whereas, In 1968 the Indianapolis Police Department, the first police department in the country to assign two female officers to patrol on an equal basis with the male officers, assigned Elizabeth Robinson and Betty Blankenship to patrol in a squad car. They were the first female officers in the United States to be assigned to squad car detail;

Whereas, These two women were pioneers in the effort to establish equality for women in law enforcement. Their achievement is remarkable in light of a recent study that indicates only 14.3% of law enforcement officers are female, with an annual increase of only 0.5%; and

Whereas, It is through the commitment, persistence, and courage of women such as Elizabeth Robinson and Betty Blankenship to the field of criminal justice that parity between men and women will be achieved in law enforcement and other professions: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to acknowledge the tremendous contribution to the equality of women in the workplace made by Elizabeth Robinson and Betty Blankenship.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Elizabeth Robinson and Betty Blankenship.

The resolution was read a first time and adopted by voice vote.

House Resolution 87

Representatives Burton, Herrell, T. Adams, Aguilera, Alderman, Atterholt, Avery, Ayres, Bardon, Bauer, Becker, Behning, Bischoff, Bodiker, Bosma, Bottorff, C. Brown, T. Brown, Buck, Budak, Buell, Cheney, Cherry, Cochran, Cook, Crawford, Crooks, Crosby, Day, Denbo, Dickinson, Dillon, Dobis, Dumezich, Duncan, Dvorak, Espich, Foley, Frenz, Friend, Frizzell, Fry, GiaQuinta, Goglein, Goodin, Grubb, Harris, Hasler, Herndon, Hinkle, Hoffman, Kersey, Klinker, Kromkowski, Kruse, Kruzan, Kuzman, L. Lawson, Leuck, Liggett, J. Lutz, Lytle, Mahern, Mangus, Mannweiler, McClain, Mellinger, Mock, Moses, Munson, Murphy, Oxley, Pelath, Pond, Porter, Richardson, Ripley, Robertson, Ruppel, Saunders, Scholer, M. Smith, V. Smith, Steele, Stevenson, Stilwell, Sturtz, Summers, Thompson, Tincher, Torr, Turner, Ulmer, Weinzaepfel, Welch, Whetstone, Wolkins, D. Young, and Yount introduced House Resolution 87:

A HOUSE RESOLUTION recognizing the 24 crew members of the United States Navy EP-3E which made an emergency landing on the Chinese Island of Hainan on Sunday, April 1, 2001 after having collided with a Chinese jet;

Whereas, With such sacrifices in mind, the brave men and women aboard this plane still chose to serve and honor their country;

Whereas, The Indiana House of Representatives ardently supports the 24 crew members acknowledging their sacrifice and service to our nation;

Whereas, These brave men and women are supported at home through the prayers, sacrifices, and love of their families and friends left behind; and

Whereas, The United States government has requested that the 24 crew members be released immediately: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives urges the prayers of all Hoosiers for these men and women, along with their families and the American diplomats working on the release agreement.

SECTION 2. That the Indiana House of Representatives urgently requests the Chinese government to release the prisoners so that they can continue their service to our country.

SECTION 3. That the Indiana House of Representatives prays for

the safe return of all 24 crew members aboard the Navy EP-3E.

SECTION 4. That the Principal Clerk of the Indiana House of Representatives is directed to transmit certified copies of this resolution to the President of the United States, the U.S. Department of Defense, the Secretary of State, the American Ambassador to China and Mr. Donald Peek, Jr. of Whiteland, Indiana.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:15 p.m. with the Speaker Pro Tempore Emeritus, Representative Bischoff, in the Chair.

Representative Pond was present Representatives Crooks, Dumezich, and Stevenson were excused.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 93

Representative Weinzapfel called down Engrossed Senate Bill 93 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 176

Representative Lytle called down Engrossed Senate Bill 176 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 176-3)

Mr. Speaker: I move that Engrossed Senate Bill 176 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) **Except as provided in subsection (b),** "assessed value" or "assessed valuation" means an amount equal to:

- (1) for assessment dates before March 1, 2001, thirty-three and one-third percent (33 1/3%) of the true tax value of property; and
- (2) for assessment dates after February 28, 2001, the true tax value of property.

(b) **For purposes of calculating a budget, rate, or levy under IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-18.5, IC 6-1.1-19, IC 6-1.1-20, IC 21-2-11.5, and IC 21-2-15, "assessed value" or "assessed valuation" does not include the assessed value of tangible property excluded and kept separately on a tax duplicate by a county auditor under IC 6-1.1-17-0.5."**

Page 2, between lines 23 and 24, begin a new paragraph and insert: "SECTION 3. IC 6-1.1-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) If a petition for review to any board or an appeal to the tax court regarding an assessment or increase in assessment is pending, the taxes resulting from the assessment or increase in assessment are, notwithstanding the provisions of IC 6-1.1-22-9, not due until after the petition for review, or the appeal, is finally adjudicated and the assessment or increase in assessment is finally determined. However, even though a petition for review or an appeal is pending, the taxpayer shall pay taxes on the tangible property when the property tax installments come due, unless the collection of the taxes is enjoined pending an original tax appeal under IC 33-3-5. The amount of taxes which the taxpayer is required to pay, pending the final determination of the assessment or increase in assessment, shall be based on:

- (1) the assessed value reported by the taxpayer on his personal property return if a personal property assessment, or an increase in such an assessment, is involved; or
- (2) an amount based on the immediately preceding year's

assessment of real property if an assessment, or increase in assessment, of real property is involved.

(b) If the petition for review or the appeal is not finally determined by the last installment date for the taxes, the taxpayer, upon showing of cause by a taxing official or at the tax court's discretion, may be required to post a bond or provide other security in an amount not to exceed the taxes resulting from the contested assessment or increase in assessment.

(c) Each county auditor shall keep separate on the tax duplicate a record of that portion of the assessed value of property:

- (1) on which a taxpayer is not required to pay taxes under subsection (a); or
- (2) **that is described in IC 6-1.1-17-0.5(b).**

When establishing rates and calculating state school support, the state board of tax commissioners shall recognize the fact that a taxpayer is not required to pay taxes under certain circumstances.

SECTION 4. IC 6-1.1-17-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 0.5. (a) **For purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).**

(b) **The county auditor may exclude and keep separate on the tax duplicate the assessed value of tangible property that meets the following conditions:**

- (1) **The assessed value of the property is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by a taxing unit (as defined in IC 6-1.1-1-21).**
- (2) **The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.**

(c) **The county auditor shall add to the tax duplicate the assessed value of tangible property excluded and kept separate under subsection (b) if the most recent installment of property taxes on the property has been paid."**

Page 4, reset in roman lines 9 through 12.

Page 4, line 13, reset in roman "bankruptcy proceeding initially filed in".

Page 4, line 13, after "1986" insert "**2000**".

Page 4, line 13, reset in roman "and payable in".

Page 4, line 15, after "1987;" insert "**2001;**".

Page 4, line 16, reset in roman "exceeds".

Page 4, line 16, after "(\$11,900,000)," insert "**sixteen million dollars (\$16,000,000),**".

Page 4, reset in roman lines 17 through 22.

Page 4, line 23, reset in roman "(d)" and delete "(c)".

Page 4, line 39, delete "if:" and insert "**if the following conditions are met:**".

Page 4, delete lines 40 through 42, begin a new paragraph single block indented and insert:

- (1) **At least one (1) installment of personal and real property taxes due on tangible property subject to taxation by the school corporation is delinquent.**
- (2) **The assessed value of the tangible property described in subdivision (1) is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by the school corporation."**

Page 5, delete lines 1 through 3.

Page 5, delete lines 13 through 20.

Page 5, line 21, delete "6." and insert "**5.**".

Page 5, between lines 35 and 36, begin a new line block indented and insert:

- (4) **This section may not be construed to prevent the school corporation from repaying a loan made under this chapter before the date specified in subdivision (3)."**

Page 5, line 36, delete "7." and insert "**6.**".

Page 6, line 4, delete "counter-cyclical revenue and economic stabilization fund." and insert "**common school fund.**".

Page 6, line 5, delete "8." and insert "**7.**".

Page 9, between lines 36 and 37, begin a new paragraph and insert: "SECTION 9. IC 21-3-1.6-1.1, AS AMENDED BY P.L.93-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.1. As used in this chapter:

- (a) "School corporation" means any local public school

corporation established under Indiana law.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education. Such day shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on the particular day thus fixed, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes, which occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the adjusted count to the budget committee before February 5 of the following year. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter. "Current ADM" of a school corporation used in computing its state distribution in a calendar year means the ADM of the school year ending in the calendar year. "ADM of the previous year" or "ADM of the prior year" of a school corporation used in computing its state distribution in a calendar year means the ADM of the school corporation for the school year ending in the preceding calendar year.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter and as determined at the times for calculating ADM. "Current additional count" means the additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the additional count of the school corporation for the school year ending in the preceding calendar year.

(f) "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the state board of tax commissioners to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). **The amount of the valuation shall also be adjusted downward by the state board of tax commissioners to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).**

(g) "General fund" means a school corporation fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license

issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

- (1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;
- (2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-8.1-6.1, because the pupil is transferred for education to another school corporation (the "transferee corporation");
- (3) the pupil is enrolled in a school corporation as a transfer student under IC 20-8.1-6.1-3 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;
- (4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-8.1-6.1; or
- (5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:

(i) by or with the consent of the division of family and children;

(ii) by a court order;

(iii) by a child placing agency licensed by the division of family and children; or

(iv) by a parent or guardian under IC 20-8.1-6.1-5.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the state board of tax commissioners and used by the state board of tax commissioners in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11-2.

Renumber all SECTIONS consecutively.

(Reference is to ESB 176 as printed April 6, 2001.)

HARRIS

Representative Buck rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Chair ruled the point was not well taken.

The question was on the motion of Representative Harris. Motion prevailed.

HOUSE MOTION

(Amendment 176-4)

Mr. Speaker: I move that Engrossed Senate Bill 176 be amended to read as follows:

Page 15, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 19. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "energy conservation measure" means a facility alteration or an alteration of a structure (as defined in IC 36-1-10-2) designed to reduce energy consumption costs or other operating costs, including the following:

(1) Providing insulation of the school facility or structure and systems within the school facility or structure.

(2) Installing or providing for window and door systems, including:

(A) storm windows and storm doors;

(B) caulking or weatherstripping;

(C) multi-glazed windows and doors;

(D) heat absorbing or heat reflective glazed and coated windows and doors;

(E) additional glazing;

(F) the reduction in glass area; and

(G) other modifications that reduce energy consumption.

- (3) Installing automatic energy control systems.
 - (4) Modifying or replacing heating, ventilating, or air conditioning systems.
 - (5) Unless an increase in illumination is necessary to conform to Indiana laws or rules or local ordinances, modifying or replacing lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility or structure.
 - (6) Providing for other energy conservation measures that reduce energy consumption or reduce operating costs.
- (b) As used in this SECTION, "guaranteed energy savings contract" means a contract entered into by an entity and a provider to:
- (1) evaluate and recommend to the public entity energy conservation measures; and
 - (2) provide for the implementation of at least one (1) energy conservation measure.
- (c) As used in this SECTION, "public entity" means a political subdivision (as defined in IC 36-1-2-13) that enters into a guaranteed energy savings contract.
- (d) As used in this SECTION, "state board of accounts" includes a deputy examiner, field examiner, or private examiner acting for the state board of accounts.
- (e) The uniform compliance guideline published in State Board of Accounts, "Guaranteed Energy Savings Contracts", The School Administrator and Uniform Compliance Guidelines, Volume 153, Pages 5-7 (March 2001) is void. Any similar uniform compliance guideline established by the state board of accounts that is applicable to counties, cities, libraries, towns, or other political subdivisions (as defined in IC 36-1-2-13) is void. The state board of accounts and public entities shall resolve audit exceptions under IC 5-11-5-1 as if a guideline described in this subsection was never established.
- (f) Notwithstanding IC 5-11-1-24 and IC 5-11-5-1, a finding that is critical of an examined public entity may not be based on a failure of the public entity to observe a uniform compliance guideline concerning guaranteed energy savings contracts until the state board of accounts has complied with all of the following procedures in the development of the uniform compliance guideline:
- (1) Provide each public entity that the state board of accounts may audit concerning guaranteed energy savings contracts with the following:
 - (A) A notice of the date, time, and place where the state board of accounts will convene a public hearing on the state board of account's proposed uniform compliance guideline concerning guaranteed energy savings contracts.
 - (B) A statement that the state board of accounts will receive oral testimony concerning the state board of account's proposed uniform compliance guideline concerning guaranteed energy savings contracts from any person at the public meeting and will accept written comments concerning the state board of account's proposed uniform compliance guideline concerning guaranteed energy savings contracts at any time before the close of the public hearing.
 - (C) A statement describing how a person may submit written comments to the state board of accounts.
 - (D) A written copy of the state board of account's proposed uniform compliance guideline concerning guaranteed energy savings contracts.
 - (2) Conduct a public hearing on the state board of account's proposed uniform compliance guideline concerning guaranteed energy savings contracts that convenes not less than forty-five (45) days after the state board of accounts provides each public entity that the state board of accounts may audit concerning guaranteed energy savings contracts with notice of the public hearing. The state board of accounts may conduct the public hearing in any informal manner that allows for an orderly presentation of comments and avoids undue repetition. However, the state board of accounts shall afford any person attending the public hearing an adequate opportunity to comment on the state board of account's proposed uniform

compliance guideline concerning guaranteed energy savings contracts through the presentation of oral and written facts or argument. The state board of accounts may recess the public hearing and reconvene it on a different date or at a different time or place by:

- (A) announcing the date, time, and place of the reconvened public hearing in the original public hearing before its recess; and
 - (B) recording the announcement in the state board of account's record of the public hearing.
- (3) Shall fully consider comments received at the public hearing required by this SECTION and may consider any other information before adopting the uniform compliance guideline concerning guaranteed energy savings contracts.
- (4) Prepare a written statement that includes:
- (A) a summary of the oral and written comments received concerning the state board of account's proposed uniform compliance guideline concerning guaranteed energy savings contracts; and
 - (B) the state board of account's response to the oral and written comments received under this SECTION.
- (5) Adopt a final version of a uniform compliance guideline concerning guaranteed energy savings contracts that does not differ from the proposed uniform compliance guidelines distributed to public entities, unless it is a logical outgrowth of the proposed uniform compliance guideline as supported by any written comments submitted during the public comment period.
- (6) Submit a copy of the written statement prepared under subdivision (4) to the legislative services agency for publication in the Indiana Register.
- (7) Distribute a written copy of the final adopted uniform compliance guideline concerning guaranteed energy savings contracts to each public entity that the state board of accounts may audit concerning guaranteed energy savings contracts as required by IC 5-11-1-24.
- (8) Submit proof of compliance with this SECTION to the attorney general and the governor.
- (g) A uniform compliance guideline developed in compliance with this SECTION applies only to a guaranteed energy savings contract entered into after the date that the state board of accounts complies with subsection (f).
- (h) The requirements to which this subsection applies include the following:
- (1) An additional requirement to document energy or operating costs or savings or a requirement to document energy or operating costs or savings in a different manner than the public entity was previously documenting the costs or savings.
 - (2) A change in the types of expenditures that may be considered in determining energy or operating costs or savings.
 - (3) A change in the time period in which energy or operating costs or savings may be recognized.
- Notwithstanding IC 5-11-5-1, unless a change in interpretation is incorporated into a uniform compliance guideline adopted in compliance with this SECTION, a finding that is critical of an examined public entity based on failure of the public entity or an officer or employee of a public entity to comply with a specific law concerning guaranteed energy savings contracts may not be based on a change in interpretation made by the state board of accounts more than six (6) months after the date the specific law became effective.
- (i) This subsection applies only to the terms and implementation of a guaranteed energy contract that is entered into before July 1, 2001. If, after the initial enactment of IC 36-1-12.5, the state board of accounts:
- (1) examined a public entity for an audited period in which the public entity had a guaranteed energy savings contract in effect; and
 - (2) did not make a finding critical of a particular guaranteed energy savings contract term or another particular act or omission related to the guaranteed energy savings contract

that occurred or existed during the audited period; the state board of accounts may not make a finding critical of the same or another public entity in a later completed examination based on the same or a similar type of contract term or other act or omission. A failure to comply with a specific law to which this subsection applies shall be treated as waived.

(j) This SECTION expires January 1, 2005."

Renumber all SECTIONS consecutively.

(Reference is to ESB 176 as printed April 6, 2001.)

M. SMITH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 199

Representative Tincher called down Engrossed Senate Bill 199 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 295

Representative Kruzan called down Engrossed Senate Bill 295 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 295-1)

Mr. Speaker: I move that Engrossed Senate Bill 295 be amended to read as follows:

Page 1, line 2, after "If" insert ":",

Page 1, line 2, before "a" begin a new line block indented and insert:

"(1)".

Page 1, line 6, delete "(1)", begin a new line double block indented and insert:

"(A)".

Page 1, line 8, delete "(2)", begin a new line double block indented and insert:

"(B)".

Page 1, line 9, delete "(3)", begin a new line double block indented and insert:

"(C)".

Page 1, line 10, delete "(4)", begin a new line double block indented and insert:

"(D)".

Page 1, line 12, delete "(5)", begin a new line double block indented and insert:

"(E)".

Page 1, line 13, delete "." and insert "; and".

Page 1, between lines 13 and 14, begin a new line block indented and insert:

"(2) the dog is on the owner's real property when the person is bitten, the owner failed to conspicuously post a sign that:

(A) is visible and readable from the boundary of the owner's property where the person described in subdivision (1) entered the property; and

(B) warned that a dog was present on the property;"

Page 1, line 14, delete "The" and insert "the".

Page 1, line 16, after "dog" delete ", or" and insert "or".

Page 1, line 16, delete ", or the fact" and insert ". However, subdivision (2) does not apply if the person who was bitten was a firefighter or other emergency services personnel responding to an emergency or a law enforcement officer."

Page 2, delete line 1.

Page 2, line 4, delete "Except as provided in subsection (b), an" and insert "A person who knowingly or intentionally:

(1) owned or had control of real property where a person described in section 1(1) of this chapter incurred serious bodily injury from a dog bite;

(2) owned the dog that bit the person described in section 1(1) of this chapter; and

(3) either:

(A) failed to conspicuously post a sign that:

(i) was readable from a public way adjoining the property; and

(ii) warned that a dog was present on the real property; or (B) if a sign was not posted in conformity with clause (A), failed to take reasonable steps to restrain the dog on the day that the person was bitten; commits a Class B misdemeanor."

Page 2, delete lines 5 through 23.

(Reference is to ESB 295 as printed April 6, 2001.)

WHETSTONE

After discussion, Representative Whetstone withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 310

Representative Pelath called down Engrossed Senate Bill 310 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 310-1)

Mr. Speaker: I move that Engrossed Senate Bill 310 be amended to read as follows:

Page 4, line 30, delete "and" and insert ",".

Page 4, line 31, delete "." and insert ", 2(b), 2(e), 2(f), and 2(h)".

(Reference is to ESB 310 as printed April 6, 2001.)

PELATH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 337

Representative Hasler called down Engrossed Senate Bill 337 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 337-1)

Mr. Speaker: I move that Engrossed Senate Bill 337 be amended to read as follows:

Page 1, line 5, after "means" insert "the use of".

Page 1, line 5, delete "used".

Page 2, line 23, delete "(3, 200)" and insert "(3,200)".

Page 2, line 28, delete "(3, 200)" and insert "(3,200)".

Page 3, line 13, after "(3) a" insert "certified".

Page 3, line 14, delete "bearing the seal of the" and insert ", with the recording data from the".

Page 3, line 14, after "county recorder" insert "on the copy of the permit".

Page 4, line 3, delete ". " and insert ", if applicable to the type of permit for which notice is required."

Page 4, line 12, after "a" insert "certified".

Page 4, line 12, delete "bearing the seal" and insert "with the recording data from the county recorder".

Page 4, line 14, delete "of the county recorder".

(Reference is to SB 337 as printed April 6, 2001.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

The Speaker Pro Tempore Emeritus yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed Senate Bill 350

Representative Cook called down Engrossed Senate Bill 350 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 350-3)

Mr. Speaker: I move that Engrossed Senate Bill 350 be amended to read as follows:

Page 2, between lines 29 and 30, begin a new paragraph and insert: "SECTION 4. IC 9-18-46.2-6, AS ADDED BY P.L.222-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) This section applies with regard to a state educational institution trust license plate supporting a state educational institution in a year following a year:

(1) in which at least ten thousand (10,000) of the state

educational institution trust license plates are sold or renewed; and

(2) beginning after December 31, 1998.

(b) The treasurer of state shall establish a special account within a trust fund for each state educational institution described in subsection (a)(1).

(c) The bureau shall require a person who purchases a state educational institution trust license plate under this section to designate the state educational institution the person chooses to receive the annual fee that the person pays under section 5(2) of this chapter as the corresponding state educational institution designated in section 4 of this chapter.

(d) The treasurer of state shall deposit the annual fee collected under section 5(2) of this chapter into a special account within a trust fund for the state educational institution designated by the purchaser in subsection (c).

(e) The treasurer of state shall invest the money in the special account not distributed in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the special account.

(f) The auditor of state monthly shall distribute the money from the special account to the state educational institution's authorized alumni association.

(g) Money in the special account at the end of a state fiscal year does not revert to the state general fund.

(h) The bureau shall maintain a sufficient supply of the state educational institution trust license plates in each branch and partial service walk-up location to provide a plate to a purchaser at the time of sale.

~~(i) A person who purchases a state educational institution trust license plate shall at the time of purchase or renewal of the state educational institution trust license plate give written consent for the release of the name and address of the purchaser solely for the purpose of acknowledgment of purchase of the state educational institution trust license plate to a representative designated and authorized to receive the personal information by the state educational institution."~~

Page 3, line 23, after "2002;" insert "IC 9-14-3.5-11;".

Renumber all SECTIONS consecutively.

(Reference is to ESB 350 as printed April 6, 2001.)

COOK

Motion prevailed.

HOUSE MOTION (Amendment 350-4)

Mr. Speaker: I move that Engrossed Senate Bill 350 be amended to read as follows:

Page 2, line 21, delete "**do the**".

Page 2, line 22, delete "**following**".

Page 2, line 23, reset in roman "~~confer~~".

Page 2, line 23, delete "**Confer**".

Page 2, line 26, delete "~~provide~~ **Provide** the bureau with" and insert "**may request**".

Page 2, delete lines 30 through 42.

Page 2, line 30, begin a new line block indented and insert:

(C) may not request a list of names and addresses from labor unions which are prohibited by their constitution from disclosing names and addresses.

Page 3, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

(Reference is to ESB 350 as printed April 6, 2001.)

COOK

The Chair ordered a division of the House and appointed Representatives Kruzan and Bosma to count the yeas and nays. Yeas 45, nays 43. Motion prevailed.

HOUSE MOTION (Amendment 350-2)

Mr. Speaker: I move that Engrossed Senate Bill 350 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

SECTION 2. IC 9-18-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: A former prisoner of war license plate must display the following:

(1) An identification number.

(2) The legend "Ex-POW."

(3) The official international wheelchair symbol.

~~(3)~~ (4) Any other information and design selected by the bureau.

SECTION 3. IC 9-18-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: The bureau:

(1) May design and issue disabled veteran license plates to implement this chapter; ~~and~~

(2) The disabled veteran license plates must display the official international wheelchair symbol; and

~~(2)~~ (3) Shall administer this chapter relating to proper certification for a person applying for a disabled veteran license plate.

Renumber all SECTIONS consecutively.

(Reference is to SB 350 as printed March 2, 2001.)

GOODIN

Motion prevailed.

HOUSE MOTION (Amendment 350-1)

Mr. Speaker: I move that Engrossed Senate Bill 350 be amended to read as follows:

Page 11, after line 15, begin a new paragraph and insert:

SECTION 9. IC 13-18-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. A lift station that will be used as part of a sanitary sewer system may not be constructed within one thousand (1,000) feet of a body of water that is inhabited by aquatic life if the body of water is within:**

(1) one thousand (1,000) feet of another body of water that is inhabited by aquatic life; and

(2) one thousand five hundred (1,500) feet of the White River.

SECTION 10. **An emergency is declared for this act.**

(Reference is to ESB 317 as printed April 9, 2001.)

FRY

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Fry withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 176 be returned to the second reading calendar forthwith for the purpose of amendment.

LYTLE

Motion prevailed.

Engrossed Senate Bill 176

The Chair handed down Engrossed Senate Bill 176, sponsored by Representative Lytle, for second reading. The bill was reread a second time by title.

HOUSE MOTION (Amendment 176-2)

Mr. Speaker: I move that Engrossed Senate Bill 176 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"(f) The state board of tax commissioners shall reduce the maximum permissible property tax levy under IC 6-1.1-18.5 of a qualifying taxing unit if the qualifying taxing unit:

(1) receives a loan under this chapter; and

(2) in the same year in which the loan is received, receives revenue under IC 4-33-12-6.

(g) The qualifying taxing unit's maximum permissible property tax levy shall be reduced under subsection (f) by the amount of twenty-five percent (25%) of the distribution received or to be received by the qualifying taxing unit under IC 4-33-12-6 in the year

in which the loan is received."

(Reference is to ESB 176 as printed April 6, 2001.)

AGUILERA

After discussion, Representative Aguilera withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 351

Representative Kuzman called down Engrossed Senate Bill 351 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 351-1)

Mr. Speaker: I move that Engrossed Senate Bill 351 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 33-16-2-1 IS AMENDED TO READ AS FOLLOWS:

Sec. 1. (a) Any applicant for a commission as a notary public must:

- (1) be at least eighteen (18) years of age; and
- (2) be a legal resident of Indiana.

(b) A notary public shall be appointed and commissioned by the governor. A notary public shall hold office for eight (8) years. A notary public, when so qualified, shall be authorized to act throughout Indiana.

(c) A person may request an application to become a notary public from the secretary of state. The secretary of state shall prescribe a written application form on which a person may apply for a commission as a notary public. The secretary of state may provide an applicant with enhanced access (as defined in IC 5-14-3-2) to an application form that may be completed and submitted to the secretary of state by means of an electronic device. IC 4-5-10 applies to an application form provided by enhanced access under this section. The application form must include the applicant's county of residence, oath of office, and official bond. The application must also contain any additional information necessary for the efficient administration of this chapter.

(d) The applicant shall:

- (1) personally appear with an application form before an officer, authorized by law to administer oaths, who shall administer an oath of office to the applicant; or
- (2) certify on an application form under penalty of perjury that the applicant will abide by the terms of the oath.

The secretary of state shall prescribe the manner in which an applicant may complete a certification authorized under subdivision (2).

(e) The applicant shall secure an official bond, with freehold or corporate security, to be approved by the secretary of state in the sum of ~~five ten~~ thousand dollars ~~(\$5,000)~~ **(\$10,000)**. The official bond shall be conditioned upon the faithful performance and discharge of the duties of the office of notary public, in all things according to law, for the use of any person injured by a breach of the condition. The completed application shall be forwarded to the secretary of state. The secretary of state shall forward each commission issued by the governor to the applicant or the applicant's surety company.

(f) The secretary of state shall charge and collect the following fees:

- (1) For each commission to notaries public, five dollars (\$5).
- (2) For each duplicate commission to notaries public, five dollars (\$5).

Renumber all SECTIONS consecutively.

(Reference is to ESB 351 as printed April 6, 2001.)

WHETSTONE

After discussion, Representative Kuzman withdrew the call of Engrossed Senate Bill 351.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 361

Representative Lytle called down Engrossed Senate Bill 361 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 361-1)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 2, between lines 21 and 22, begin a new paragraph and insert: SECTION 2. IC 4-13-16.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter:

"Commission" refers to the governor's commission on minority **and women's business development enterprises** established under section 2 of this chapter.

"Commissioner" refers to the deputy commissioner for minority **and women's business development enterprises** of the department. ~~of administration.~~

"Contract" means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services.

"Department" refers to the Indiana department of administration established by IC 4-13-1-2.

"Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

- (1) United States citizens; and
- (2) members of a **racial** minority group.

"Owned and controlled" means having:

- (1) ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation;
- (2) control over the management and active in the day-to-day operations of the business; and
- (3) an interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.

"Racial "Minority group" means:

- (1) Blacks;
- (2) American Indians;
- (3) Hispanics;
- (4) Asian Americans; and
- (5) other similar **racial** minority groups, **as defined by 13 CFR 124.103.**

"State agency" refers to **any of the following:**

- (1) An authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.
- (2) **An entity established by the general assembly as a body corporate and politic.**
- (3) **A state educational institution.**

The term does not include the state lottery commission or the Indiana gaming commission with respect to setting and enforcing goals for awarding contracts to minority and women's business enterprises.

SECTION 3. IC 4-13-16.5-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.1. A reference to a federal statute or regulation in this chapter is a reference to the statute or regulation as in effect January 1, 2001.**

SECTION 4. IC 4-13-16.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.3. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:**

- (1) **A sole proprietorship owned and controlled by a woman.**
- (2) **A partnership or joint venture owned and controlled by women in which:**
 - (A) **at least fifty-one percent (51%) of the ownership is held by women; and**
 - (B) **the management and daily business operations of which are controlled by at least one (1) of the women who owns the business.**

(3) A corporation or other entity:

(A) whose management and daily business operations are controlled by at least one (1) of the women who owns the business; and

(B) that is at least fifty-one percent (51%) owned by women, or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) of the women.

SECTION 5. IC 4-13-16.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) There is established a ~~fourteen (14) member~~ governor's commission on minority ~~and women's business development enterprises~~. The commission shall consist of the following members:

(1) A governor's designee, who shall serve as chairman of the commission.

(2) The commissioner of the Indiana department of transportation.

(3) The director of the department of commerce.

(4) The commissioner of the ~~Indiana department of administration~~.

(5) Six (6) individuals with demonstrated capabilities in business and industry, especially racial minority ~~and women's business enterprises~~, appointed by the governor from the following geographical areas of the state:

(A) ~~Two (2) Three (3)~~ from the northern one-third (1/3) of the state. ~~Two (2) of the members appointed under this clause must represent minorities and one (1) of the members appointed under this clause must represent women.~~

(B) ~~Two (2) Three (3)~~ from the central one-third (1/3) of the state. ~~Two (2) of the members appointed under this clause must represent minorities and one (1) of the members appointed under this clause must represent women.~~

(C) ~~Two (2) Three (3)~~ from the southern one-third (1/3) of the state. ~~Two (2) of the members appointed under this clause must represent minorities and one (1) of the members appointed under this clause must represent women.~~

(6) Two (2) members of the house of representatives, no more than one (1) from the same political party, appointed by the speaker of the house of representatives to serve in a nonvoting advisory capacity.

(7) Two (2) members of the senate, no more than one (1) from the same political party, appointed by the president pro tempore of the senate to serve in a nonvoting advisory capacity.

~~No~~ Not more than ~~four (4) of the seven (7)~~ six (6) members appointed or designated by the governor may be of the same political party. Appointed members of the commission shall serve four (4) year terms. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

(b) Each member of the commission who is not a state employee is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees. The allowances specified in this subsection shall be paid by the legislative services agency from the amounts appropriated for that purpose.

(d) A member of the commission who is a state employee but who is not a member of the general assembly is not entitled to any of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties.

(e) The commission shall meet at least four (4) times each year and

at other times as the chairman deems necessary.

(f) The duties of the commission shall include but not be limited to the following:

(1) Identify minority ~~businesses and women's business enterprises~~ in the state.

(2) Assess the needs of minority ~~businesses and women's business enterprises~~.

(3) Initiate aggressive programs to assist minority ~~businesses and women's business enterprises~~ in obtaining state contracts.

(4) Give special publicity to procurement, bidding, and qualifying procedures.

(5) Include minority ~~businesses and women's business enterprises~~ on solicitation mailing lists.

(6) Define the duties, goals, and objectives of the deputy commissioner of the department of ~~administration~~ as created under this chapter to assure compliance by all state agencies with state and federal legislation and policy concerning the awarding of contracts to minority ~~businesses and women's business enterprises~~.

(7) Establish ~~as a goal that at least five percent (5%) of state contracts be let to racial minority businesses; annual goals:~~

(A) ~~for the utilization of minority and women's business enterprises; and~~

(B) ~~derived from a statistical analysis of utilization study of state contracts that are required to be updated every five (5) years.~~

(8) Prepare a review of the commission and the various affected departments of government to be submitted to the governor and the legislative council on March 1 and October 1 of each year, evaluating progress made in the areas defined in this subsection.

(g) ~~The department shall develop size standards based on 13 CFR 121.~~

(h) ~~The department shall adopt rules of ethics under IC 4-22-2 for commission members other than commission members appointed under subsection (a)(6) or (a)(7).~~

~~(g)(i) The department of administration shall furnish administrative support and staff as is necessary for the effective operation of the commission.~~

SECTION 6. IC 4-13-16.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) There is created in the ~~Indiana department of administration~~ a deputy commissioner for minority ~~and women's business enterprise~~ development. Upon consultation with the commission, the commissioner of the ~~Indiana department of administration~~ with the approval of the governor shall appoint an individual who possesses demonstrated capability in business or industry, especially in ~~racial minority or women's business enterprises~~, to serve as deputy commissioner to work with the commission in the implementation of this chapter.

(b) The ~~deputy~~ commissioner shall do the following:

(1) Identify and certify minority ~~and women's business enterprises~~ for state projects.

(2) Establish a central certification file.

(3) Periodically update the certification status of each minority ~~or women's business enterprise~~.

(4) Monitor the progress in achieving the ~~goal goals~~ established under section 2(f)(7) of this chapter.

(5) Require state agencies to report on planned and actual participation of minority ~~and women's business enterprises~~ in contracts awarded by state agencies. The commissioner may exclude from the reports uncertified minority ~~and women's business enterprises~~.

(6) Determine and define opportunities for minority ~~and women's business participation~~ in contracts awarded by state agencies.

(7) Implement programs initiated by the commission under section 2 of this chapter.

(8) Perform other duties as defined by the commission or by the commissioner of the ~~Indiana department of administration~~.

SECTION 7. IC 4-13-16.5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2001]: Sec. 4. (a) Before January 1 of even-numbered years, the department shall determine whether, during the most recently completed two (2) year period ending the previous July 1, the following have occurred:

- (1) The goals set under section 2(f)(7) of this chapter have been met.
- (2) If rules have been adopted under subsection (b), the requirements of the rules have been met.
- (b) If the department determines that the goals set under section 2(f)(7) of this chapter have not been met, the department shall adopt rules under IC 4-22-2 to require the following:

- (1) That not fewer than twelve percent (12%) of contracts awarded by the state be awarded to minority business enterprises.
- (2) That not fewer than seven percent (7%) of contracts awarded by the state be awarded to women's business enterprises.

The rules adopted by the department must provide that if a business qualifies as both a minority business enterprise and a women's business enterprise, a contract awarded to the business is considered awarded to a minority business enterprise.

SECTION 8. IC 4-13.5-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The commission may employ architects, engineers, space planners, construction managers, and other professional persons it considers necessary to prepare complete plans and specifications necessary for bidding for construction. The commission shall consider economy of operation to the extent practicable in preparing and approving plans and specifications.

(b) The plans and specifications shall be presented for approval to:

- (1) the department;
- (2) if the facility is designed to house the supreme court or court of appeals, the administrator of the supreme court for approval by the courts; and
- (3) if the facility is a correctional facility, the department of correction.

(c) After the plans and specifications have been approved by the commission under subsection (b), the commission shall advertise for and receive construction bids and award contracts to the best bidders in the same manner as required by law for the department.

(d) With regard to participation by minority and women's business enterprises (as defined in IC 4-13-16.5-1 and IC 4-13-16.5-1.3), the commission shall act in the same manner as required by law for the department.

Page 2, line 22, strike "SECTION 2." and insert "SECTION 3."

Page 2, after line 23, begin a new paragraph and insert: SECTION 10. IC 4-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. In construing this article it is the intent of the general assembly that the following policies be carried out:

- (1) That the lottery games be operated by the state lottery commission, which is created by IC 4-30-3 as a separate body politic and corporate from state government and should function as much as possible as an entrepreneurial business enterprise.
- (2) That the general assembly recognizes that the operation of a lottery is a unique activity for state government and that policies and procedures appropriate for the performance of other governmental functions are not necessarily appropriate for the operation of a lottery.
- (3) That the lottery games be operated as a self-supporting revenue raising operation.
- (4) That the commission be accountable to the general assembly and the people of Indiana through a system of audits and reports and by complying with financial disclosure, open meetings, and public record laws.
- (5) That the commission ensure the equitable participation of racial minorities and women in all phases of the lottery, including instant game and on-line retailers and vendors. The commission shall establish annual goals:

(A) for the utilization of minority and women's business enterprises (as defined in IC 4-13-16.5-1 and

IC 4-13-16.5-1.3) in construction, professional services, other services, and supplies; and

(B) derived from a statistical analysis of utilization study of lottery contracts that are required to be updated every five (5) years.

The commission shall, in cooperation with the Indiana department of administration, adopt rules under IC 4-22-2 to ensure that the goals set under this subdivision are met.

(6) That lottery game advertising and promotion shall be consistent with the dignity and integrity of the state.

SECTION 9. IC 4-33-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "minority" means a person who is one (1) of the following:

- (1) Black;
- (2) Hispanic;
- (3) Asian American;
- (4) Native American or Alaskan native;

member of a minority group as defined in IC 4-13-16.5-1.

SECTION 10. IC 4-33-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. As used in this chapter, "minority business enterprise" means a business that is one (1) of the following:

- (1) A sole proprietorship owned and controlled by a minority;
- (2) A partnership or joint venture owned and controlled by minorities:
 - (A) in which at least fifty-one percent (51%) of the ownership interest is held by at least one (1) minority; and
 - (B) the management and daily business operations of which are controlled by at least one (1) of the minorities who own the business;
- (3) A corporation or other entity:
 - (A) whose management and daily business operations are controlled by at least one (1) of the minorities who own the business; and
 - (B) that is at least fifty-one percent (51%) owned by at least one (1) minority; or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) minority;

has the meaning set forth in IC 4-13-16.5-1.

SECTION 11. IC 4-33-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:

- (1) A sole proprietorship owned and controlled by a woman;
- (2) A partnership or joint venture owned and controlled by women in which:
 - (A) at least fifty-one percent (51%) of the ownership is held by women; and
 - (B) the management and daily business operations of which are controlled by at least one (1) of the women who own the business;
- (3) A corporation or other entity:
 - (A) whose management and daily business operations are controlled by at least one (1) of the women who own the business; and
 - (B) that is at least fifty-one percent (51%) owned by women; or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) of the women;

has the meaning set forth in IC 4-13-16.5-1.3.

SECTION 12. IC 4-33-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) As used in this section, "goods and services" does not include the following:

- (1) Utilities and taxes.
- (2) Financing costs, mortgages, loans, or other debt.
- (3) Medical insurance.
- (4) Fees and payments to a parent or an affiliated company of the person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the person holding the owner's license.
- (5) Rents paid for real property or payments constituting the

price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, **the commission shall establish annual goals for a person issued an owner's license: shall establish goals of expending at least:**

(1) ten percent (10%) of the dollar value of the licensee's contracts for goods and services with minority business enterprises; and

(2) five percent (5%) of the dollar value of the licensee's contracts for goods and services with women's business enterprises.

(1) for the utilization of minority and women's business enterprises; and

(2) derived from a statistical analysis of utilization study of licensee contracts for goods and services that are required to be updated every five (5) years.

A person holding an owner's license shall submit annually to the commission a report that includes the total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.

(c) A person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

(d) A person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee shall provide the commission with proof of the amount of the set aside.

(Reference is to ESB 361 as printed April 6, 2001.)

CRAWFORD

Motion prevailed.

HOUSE MOTION (Amendment 361-2)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 2, between lines 21 and 22, begin a new paragraph and insert: "SECTION 2. IC 4-13-2-17.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17.1. Notwithstanding any other law, the Indiana department of administration may not enter into a new contract on behalf of the department of correction with an existing contractor that provides services to the department of correction if the contractor is more than three (3) months delinquent on payments to any subcontractor of the contractor that provides services to the department of correction."

Renumeral all SECTIONS consecutively.

(Reference is to ESB 361 as printed April 6, 2001.)

FRIEND

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 418

Representative Cook called down Engrossed Senate Bill 418 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 418-2)

Mr. Speaker: I move that Engrossed Senate Bill 418 be amended to read as follows:

Page 5, between lines 41 and 42, begin a new paragraph and insert: "SECTION 2. IC 8-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) In order to remove the handicaps and hazards on the congested highways in Indiana, to facilitate vehicular traffic throughout the state, to promote the agricultural and industrial development of the state, and to provide for the general welfare by the construction of modern express highways embodying safety devices, including center division, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the authority may:

(1) construct, reconstruct, maintain, repair, and operate toll road projects at such locations as shall be approved by the governor;

(2) in accordance with such alignment and design standards as shall be approved by the authority and subject to IC 8-9.5-8-10, issue toll road revenue bonds of the state payable solely from funds pledged for their payment, as authorized by this chapter, to pay the cost of such projects;

(3) finance, develop, construct, reconstruct, improve, or maintain public improvements, such as roads and streets, sewerlines, waterlines, and sidewalks for manufacturing or commercial activities within a county through which a toll road passes if these improvements are within the county and are within an area that is located:

(A) ten (10) miles on either side of the center line of a toll road project; or

(B) two (2) miles on either side of the center line of any limited access highway that interchanges with a toll road project;

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within ten (10) miles of the center line of a toll road project and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) assist in developing existing transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) As used in this subsection, "excess revenue" means the amount of the authority's total income that exceeds the authority's operating expenses in a fiscal year. To the extent allowed by any trust indenture for bonds or other obligations issued before July 1, 2001, that are payable from the authority's revenue, the authority shall set aside excess revenue to pay for projects authorized under subsection (a)(3) and (a)(4) in the subsequent fiscal year. The authority shall use the excess revenue to fund projects in each county through which the toll road passes. The authority shall allocate the excess revenue to projects in each county upon the basis that the population of each county bears to the total population of all the counties through which the toll road passes."

Renumeral all SECTIONS consecutively.

(Reference is to ESB 418 as printed April 6, 2001.)

FRY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 431

Representative Klinker called down Engrossed Senate Bill 431 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 431-2)

Mr. Speaker: I move that Engrossed Senate Bill 431 be amended to read as follows:

Page 1, after line 17, begin a new paragraph and insert: "(7) The township trustees."

(Reference is to ESB 431 as printed April 6, 2001.)

KLINKER

Motion prevailed.

HOUSE MOTION (Amendment 431-1)

Mr. Speaker: I move that Engrossed Senate Bill 431 be amended to read as follows:

Page 2, line 15, delete "IC 25-14-5 IS ADDED TO THE INDIANA CODE AS".

Page 2, line 16, delete "A NEW CHAPTER TO READ AS FOLLOWS".

Page 2, line 17, delete ":".

Page 2, delete line 18.

Page 2, line 19, delete "Sec. 1.".

Page 2, run in lines 17 through 19.

Page 2, line 19, delete "chapter" and insert "**SECTION**".

Page 2, line 24, delete "(b)".

Page 2, line 24, begin a new line blocked left beginning with "The".

Page 2, delete lines 28 through 42, begin a new paragraph and insert:

"(b) Before July 1, 2002, the state board of dentistry shall adopt rules under IC 4-22-2 to regulate the conduct of mobile dentist facilities and operations.

(c) This SECTION expires July 2, 2002."

Delete page 3.

(Reference is to ESB 431 as printed April 6, 2001.)

BECKER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 433

Representative Hasler called down Engrossed Senate Bill 433 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 433-1)

Mr. Speaker: I move that Engrossed Senate Bill 433 be amended to read as follows:

Page 1, line 7, after "25-26-13-2" insert ", AS AMENDED BY P.L.187-1999, SECTION 1."

Page 1, line 8, after "FOLLOWS" insert "[EFFECTIVE JULY 1, 2001]".

Page 5, line 31, delete "(c)" and insert "(c)".

Page 5, line 32, after "one" insert "(1)".

Page 6, line 18, delete "Rx" and insert "**Rx**".

Page 6, line 21, after "every" insert "**reasonable**".

Page 7, line 18, after "written" insert "**that would allow the patient to maintain the patient's prescribed requirements for the drug until the patient is able to obtain a prescription from the original prescribing practitioner or the practitioner's designee. Except where the drug is packaged in a form that requires dispensing of a larger quantity, if a pharmacist dispenses a quantity of a drug beyond that necessary to supply the patient through the next business day, the pharmacist shall document the reason why it was necessary to dispense the drug in a quantity beyond that necessary to supply the patient through the next business day.**".

(Reference is to ESB 433 as printed April 6, 2001.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 524

Representative Bauer called down Engrossed Senate Bill 524 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 524-3)

Mr. Speaker: I move that Engrossed Bill 524 be amended to read as follows:

Page 4, line 13, after "(2)" insert "**(referred to in this subsection as the "net draw on the fund")**".

Page 4, line 16, after "may" insert "**not**".

Page 4, line 17, after "may" insert "**not**".

Page 4, line 19, after "year" delete ". However, a" and insert "**until the total amount of interest earned by the public deposit insurance fund equals the net draw on the fund. A**".

(Reference is to ESB 524 as printed April 6, 2001.)

BAUER

Motion prevailed.

HOUSE MOTION (Amendment 524-1)

Mr. Speaker: I move that Engrossed Senate Bill 524 be amended to read as follows:

Page 2, line 15, delete ":".

Page 2, line 16, delete "(1)".

Page 2, run in lines 15 and 16.

Page 2, single block indent lines 19 through 24.

Page 2, line 19, delete "(A)" and insert "**(1)**".

Page 2, line 22, delete "(B)" and insert "**(2)**".

Page 2, line 24, delete "; and" and insert ".".

Page 2, delete lines 25 through 42.

Page 3, delete lines 1 through 10.

Page 3, line 11, delete "(f)" and insert "**(d)**".

Page 3, line 11, delete "(j)" and insert "**(e)**".

Page 3, line 13, delete ":".

Page 3, delete lines 14 through 16.

Page 3, line 17, delete "(2)".

Page 3, run in lines 13 through 17.

Page 3, line 18, delete "pension distribution fund established by subsection(g)" and insert "**m portion of the pension relief fund established by IC 5-10.3-11**".

Page 3, line 20, delete "(c)(1)" and insert "**(c)**".

Page 3, delete lines 21 through 41.

Page 3, line 42, delete "(j)" and insert "**(e)**".

Page 4, line 1, delete "(f)(2)" and insert "**(d)**".

Page 4, line 17, delete "(f)(2) and a distribution may be made" and insert "**(d)**".

Page 4, delete line 18.

Page 4, line 19, delete "following calendar year."

Page 4, line 20, delete "(f)(2) and a distribution may not be made under" and insert "**(d)**".

Page 4, line 21, delete "subsection (f)".

(Reference is to ESB 524 as printed April 6, 2001.)

ESPICH

Motion failed.

HOUSE MOTION (Amendment 524-4)

Mr. Speaker: I move that Engrossed Senate Bill 524 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-3.5-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. Before January 1, 2002, the PERF board shall adopt rules establishing procedures for making loans to a participant from the participant's employee contribution account and employer contribution account within the defined contribution fund. Rules adopted under this section must comply with the requirements of Section 72(p) of the Internal Revenue Code and must apply to each participant in the plan, regardless of whether the participant is serving in the general assembly at the time of the loan. A loan made in accordance with rules adopted under this section is not considered the receipt of retirement benefits for purposes of IC 5-10-8-1."

Page 8, after line 13, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 524 as printed April 6, 2001.)

M. SMITH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 554

Representative Hasler called down Engrossed Senate Bill 554 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 582

Representative Kuzman called down Engrossed Senate Bill 582 for

second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 9

Representative Dvorak called down Engrossed Senate Bill 9 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 9-1)

Mr. Speaker: I move that Engrossed Senate Bill 9 be amended to read as follows:

Page 1, line 2, delete "JULY" and insert "AUGUST".
 Page 1, line 7, delete "July" and insert "August".
 Page 1, line 11, delete "July" and insert "August".
 Page 1, line 15, delete "June 30" and insert "July 31".
 Page 2, line 2, delete "first" and insert "three (3)".
 Page 2, line 3, delete "year" and insert "years".
 Page 2, line 6, delete "first" and insert "three (3)".
 Page 2, line 6, delete "year" and insert "years".
 Page 5, line 30, delete "July" and insert "August".
 Page 5, line 32, delete "June 30" and insert "July 31".
 Page 5, line 34, delete "first" and insert "three (3)".
 Page 5, line 35, delete "year" and insert "years".
 Page 5, line 38, after "increased" and insert "each year".
 Page 5, line 40, after "levy" and insert "for the ensuing calendar year".
 Page 6, line 3, delete "first" and insert "ensuing".
 Page 2, line 6, delete "in" and insert "for".
 (Reference is to ESB 9 as printed March 30, 2001.)

DVORAK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 104

Representative Dvorak called down Engrossed Senate Bill 104 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 104-2)

Mr. Speaker: I move that Engrossed Senate Bill 104 be amended to read as follows:

Page 1, line 17, after "civil" insert "and criminal".
 Page 1, line 17, after "indigent" insert "counsel".
 Page 1, line 17, delete "(IC 34-10-1-2)" and insert "(IC 33-9-14-1)".
 Page 2, line 1, delete "civil indigent".
 Page 2, between lines 14 and 15, begin a new paragraph and insert:
 "SECTION 2. IC 33-9-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The commission shall do the following:

(1) Make recommendations to the supreme court of Indiana concerning standards for indigent defense services provided for defendants against whom the state has sought the death sentence under IC 35-50-2-9, including the following:

- (A) Determining indigency and eligibility for legal representation.
 - (B) Selection and qualifications of attorneys to represent indigent defendants at public expense.
 - (C) Determining conflicts of interest.
 - (D) Investigative, clerical, and other support services necessary to provide adequate legal representation.
- (2) Adopt guidelines and standards for indigent defense services under which the counties will be eligible for reimbursement under IC 33-9-14, including but not limited to the following:

- (A) Determining indigency and the eligibility for legal representation.
- (B) The issuance and enforcement of orders requiring the defendant to pay for the costs of court appointed legal representation under IC 33-9-11.5.
- (C) The use and expenditure of funds in the county supplemental public defender services fund established by IC 33-9-11.5.

(D) Qualifications of attorneys to represent indigent defendants at public expense.

(E) Compensation rates for salaried, contractual, and assigned counsel.

(F) Minimum and maximum caseloads of public defender offices and contract attorneys.

(3) Make recommendations concerning the delivery of indigent defense services in Indiana.

(4) Make an annual report to the governor, the general assembly, and the supreme court on the operation of the ~~public defense~~ **civil and criminal indigent counsel** fund.

SECTION 3. IC 33-9-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The ~~public defense~~ **civil and criminal indigent counsel** fund is established to receive court costs or other revenues for county reimbursement and administrative expenses. The fund shall be administered by the division of state court administration of the supreme court of Indiana. **Money deposited in the fund under IC 16-37-1-9 may be used only to reimburse a county for expenses related to the assignment of an attorney to represent an indigent in a civil case under IC 34-10-1-2.**

SECTION 4. IC 33-9-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the ~~public defense~~ **civil and criminal indigent counsel** fund for an amount equal to fifty percent (50%) of the county's expenditures for indigent defense services provided to a defendant against whom the death sentence is sought under IC 35-50-2-9.

(b) A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the ~~public defense~~ **civil and criminal indigent counsel** fund for an amount equal to forty percent (40%) of the county's expenditures for indigent defense services provided in all noncapital **criminal** cases except misdemeanors.

(c) A request under this section from a county described in IC 33-9-15-1(3) may be limited to expenditures for indigent **criminal** defense services provided by a particular division of a court.

(d) **A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the civil and criminal indigent counsel fund for an amount equal to forty percent (40%) of the county's expenditures for civil indigent services under IC 34-10-1-2.**

SECTION 5. IC 33-9-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If the ~~public defense~~ **civil and criminal indigent counsel** fund would be reduced below two hundred-fifty thousand dollars (\$250,000) by payment in full of all county reimbursement for net expenditures in non-capital **criminal** cases that is certified by the state court administrator in any quarter, the commission shall suspend payment of reimbursement to counties in non-capital cases until the next semi-annual deposit in the ~~public defense~~ **civil and criminal indigent counsel** fund. At the end of the suspension period, the state court administrator shall certify all suspended reimbursement. If the ~~public defense~~ **civil and criminal indigent counsel** fund would be reduced below two hundred-fifty thousand dollars (\$250,000) by payment in full of all suspended reimbursement in non-capital cases, the amount certified by the state court administrator for each county entitled to reimbursement shall be prorated. **However, with the exception of money deposited in the fund under IC 16-37-1-9, the state court administrator may not certify for payment costs arising from the assignment of an attorney to represent an indigent in a civil case unless all reimbursements to counties for expenses incurred in criminal cases can be paid in full.**

SECTION 6. IC 33-9-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall prepare a comprehensive plan that must include at least one (1) of the following methods of providing legal **criminal** defense services to indigent persons:

- (1) Establishing a county public defender's office.
- (2) Contracting with an attorney, a group of attorneys, or a private organization.

(3) Utilizing an assigned counsel system of panel attorneys for case-by-case appointments under section 9 of this chapter.

(4) In a county described in section 1(3) of this chapter, establishing a public defender's office for the criminal division of the superior court.

(b) The plan prepared under subsection (a) shall be submitted to the commission.

SECTION 7. IC 33-9-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This chapter does not prevent a court from appointing counsel other than counsel provided for under the board's plan for providing **criminal** defense services to an indigent person when the interests of justice require. A court may also appoint counsel to assist counsel provided for under the board's plan as co-counsel when the interests of justice require. Expenditures by a county for **criminal** defense services not provided under the county public defender board's plan are not subject to reimbursement from the **public defense civil and criminal indigent counsel** fund under IC 33-9-14.

(b) A judge of a court having criminal jurisdiction may make a written request to the state public defender to provide a qualified attorney for the defense of a person charged in the court with a criminal offense and eligible for representation at public expense if the judge determines:

(1) that an attorney provided under the county public defender board's plan is not qualified or available to represent the person; or

(2) that in the interests of justice an attorney other than the attorney provided for by the county defender board's plan should be appointed.

The judge shall attach to the request a copy of the information or indictment. Expenditures for representation under this subsection shall be paid by the county according to a fee schedule approved by the commission. These expenditures are eligible for reimbursement from the **public defense civil and criminal indigent counsel** fund.

SECTION 8. IC 33-9-15-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) A county public defender board shall submit a written request for reimbursement to the county auditor. The request must set forth the total of the county's expenditures for indigent **criminal** defense services to the county auditor and may be limited in a county described in section 1(3) of this chapter to expenditures for indigent defense services provided by a particular division of a court. The county auditor shall review the request and certify the total of the county's expenditures for indigent defense services to the public defender commission.

(b) Upon certification by the public defender commission that the county's indigent defense services meet the commission's standards, the auditor of state shall issue a warrant to the treasurer of state for disbursement to the county of a sum equal to forty percent (40%) of the county's certified expenditures for indigent defense services provided in noncapital cases except misdemeanors.

(c) If a county's indigent defense services fail to meet the standards adopted by the public defender commission, the commission shall notify the county public defender board and the county fiscal body of the failure to comply with the commission's standards. Unless the county public defender board corrects the deficiencies to comply with the standards not more than ninety (90) days after the date of the notice, the county's eligibility for reimbursement from the **public defense civil and criminal indigent counsel** fund terminates at the close of that fiscal year.

SECTION 9. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);

(2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);

(3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);

(4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths percent (14.19%);

(5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths percent (16.50%);

(6) the motor vehicle highway account an amount equal to twenty-six and ninety-five hundredths percent (26.95%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and

(8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state one million two hundred thousand dollars (\$1,200,000) for deposit into the **public defense civil and criminal indigent counsel** fund established under IC 33-9-14."

Page 2, line 26, delete "A civil indigent fund is established for each county in".

Page 2, delete lines 27 through 32.

Page 2, line 33, delete "(d)".

Page 2, run in lines 26 through 33.

Page 2, line 35, after "civil" insert "**and criminal**".

Page 2, line 35, after "indigent" insert "**counsel**".

Page 2, line 35, delete "under subsection (c)" and insert "**(IC 33-9-14-1)**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 104, as printed April 3, 2001.)

DVORAK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 351

Representative Kuzman called down Engrossed Senate Bill 351 for second reading. The bill was reread a second time by title. There being no amendments, the bill was ordered engrossed.

SPECIAL ORDER OF BUSINESS

Engrossed Senate Bill 505

The Speaker handed down Engrossed Senate Bill 505, sponsored by Representative Porter for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was reread a third time by sections and placed upon its passage. The third reading motion of Representative Porter was pending.

HOUSE MOTION

(Amendment 505-1)

Mr. Speaker: I move that Engrossed Senate Bill 505 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-8.1-3-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. **Enforcement of Chapter.** (a) It is the duty of each superintendent, attendance officer and state attendance official to enforce the provisions of this chapter in their respective jurisdictions and to **either:**

(1) execute the affidavits; or

(2) **bring the action;**

authorized under this section. This duty is several and the failure of one (1) or more to act shall not excuse any other official from ~~his~~ the obligation to enforce this chapter.

(b) **Except as provided in subsection (c),** affidavits against parents for violations of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses. Affidavits under this ~~section~~ **subsection** shall be filed in the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this ~~section~~ **subsection** as in other criminal cases. The court shall promptly hear cases brought under this ~~section~~ **subsection**.

(c) **A superintendent or attendance officer may bring an action against a parent under this subsection to compel the attendance of the parent's child under this chapter. An action under this subsection must be brought in the court that has civil jurisdiction in the county in which the affected child resides. The court shall promptly hear cases brought under this subsection.**

SECTION 2. IC 20-8.1-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 14. Parental Participation in a Student's Education

Sec. 1. This chapter does not apply to a nonpublic school.

Sec. 2. (a) Each school in a school corporation shall develop a written compact among the school, the students, the students' teachers, and the students' parents.

(b) **A written compact must contain the expectations for the school, the student, the student's teachers, and the student's parents.**

(c) **Each educator at the school shall affirm and sign the compact, and each student and the student's parents shall come to the school before the start of each school year to sign and affirm the compact.**

Sec. 3. A parent shall make a reasonable effort to comply with the terms of the compact, including attending all parent-teacher conferences and disciplinary proceedings concerning the child.

Sec. 4. (a) A superintendent or principal may bring an action against a parent under this section to compel the parents to:

(1) enter into; or

(2) **comply with the terms of;**

a compact under this chapter.

(b) **An action under this section must be brought in the court that has civil jurisdiction in the county in which the affected child resides.**

(c) **The court shall promptly hear cases brought under this section."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 505 as printed March 30, 2001.)

PORTER

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 505, begs leave to report that said bill has been amended as directed.

PORTER

Report adopted.

The question then was, Shall the bill pass?

Representative Mannweiler was excused from voting. Roll Call 478: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 11, 2001 at 11:00 a.m.

COCHRAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative M. Smith be added as cosponsor of Engrossed Senate Bill 176.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crosby be removed as sponsor of Engrossed Senate Bill 231, Representative Kersey be substituted as sponsor.

CROSBY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be added as cosponsor of Engrossed Senate Bill 310.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Murphy be added as cosponsor of Engrossed Senate Bill 509.

HASLER

Motion prevailed.

On the motion of Representative D. Young the House adjourned at 6:20 p.m., this tenth day of April, 2001, until Wednesday, April 11, 2001, at 11:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives